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Attorney for Plaintiff
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KENNETH RAY LAW,
Plaintiff,

vs.

CITY OF SAN JOSE, COUNTY OF
SANTA CLARA, OFFICER ARDIZZONE
Defendants.

CASE NO.:

08

1664

COMPLAINT FOR DAMAGES

PVT

1. Violation of Civil Rights Pursuant to 42 U.S.C. § 1983;
2. False Arrest
3. False Imprisonment
4. Wrongful Institution of Legal Process
5. Malicious Prosecution

DEMAND FOR JURY TRIAL

Plaintiff, KENNETH RAY LAW, alleges as follows:

PARTIES AND BACKGROUND FACTS

1. This is an action brought under 42 U.S.C. § 1983 to recover damages against the defendants City of San Jose, County of Santa Clara, and San Jose police Officer Ardizzone for violation of plaintiff's right to be free from unlawful and illegal arrest and imprisonment under the Fourth and Fourteenth Amendments to the United States Constitution.

COMPLAINT FOR DAMAGES

1 2. The jurisdiction of this Court is predicated on 28 U.S.C. §§ 1331 and
2 1343.

3 3. At all relevant times mentioned herein, Plaintiff KENNETH RAY LAW
4 (hereinafter "Plaintiff") was a citizen of the United States and a resident of the County of
5 San Jose, California.

6 4. Defendant City of San Jose is, and at all times mentioned in this
7 complaint was, a city in the state of California, organized and existing under the laws of
8 the State of California, with the capacity to sue and be sued.

9 5. Defendant County of Santa Clara is, and at all times mentioned in this
10 complaint was, a county in the state of California, organized and existing under the laws
11 of the State of California, with the capacity to sue and be sued.

12 6. Defendant Officer Ardizzone was at all relevant times herein an individual,
13 employed as a San Jose police officer for the Defendant, City of San Jose. At all times
14 mentioned herein, Defendant Officer Ardizzone, was acting within the course and scope
15 of his employment for Defendant City of San Jose. The full name of Defendant Officer
16 Ardizzone is unknown to plaintiff at this time, but his complete name will be added or
17 amended to this complaint at a later date when it is ascertained by plaintiff. On
18 information and belief, Officer Ardizzone was a resident of San Jose and/or Santa Clara
19 County. Defendant Officer Ardizzone is sued in his individual capacity.

20 7. A substantial part of the events giving rise to this action occurred in Santa
21 Clara County, California. Venue is therefore proper under 28 U.S.C. § 1391(b).

22 8. Defendants were, at all times mentioned in this complaint, acting under
23 color of state law.

24 9. On or about March 27, 2006, at approximately 11:00 pm, on Ocollo
25 Avenue in San Jose, California, plaintiff was falsely arrested by Defendant Officer
26 Ardizzone for alleged grand theft and/or theft by false pretenses. The arrest was
27 intentionally made by Defendants without probable cause and based upon no evidence
28 of a crime that plaintiff did not commit. Plaintiff was held against his will by Officer

1 Ardizzone and then eventually taken to jail where he was falsely imprisoned at the
2 Elmwood Jail located at 701 South Abel, Milpitas, California, which is operated by
3 Defendant County of Santa Clara. Plaintiff was falsely imprisoned for over 7 months in
4 jail until October 31, 2006, when he was released from jail after a judge ordered that the
5 charges against plaintiff be dismissed for lack of any evidence of a crime.

6 10. Plaintiff's federal constitutional and statutory rights for due process and
7 equal protection under the United States Constitution Fourth and Fourteenth
8 Amendments were violated by defendants who maliciously and intentionally showed no
9 regard for plaintiff's rights.

10 11. As a direct and proximate result of defendants' actions, described in this
11 complaint, plaintiff has suffered both physical and mental injury to his mind and body
12 necessitating medical treatment and causing him to incur medical expenses and lost
13 time from work. Plaintiff has lost income, his job, his home and relationships due to the
14 unlawful conduct of Defendants.

15 12. In acting as is alleged in this complaint, defendant Officer Ardizzone acted
16 knowingly, willfully, and maliciously, and with reckless and callous disregard for
17 plaintiff's federally protected rights.

1 **WHEREFORE**, Plaintiff demands a trial by jury and prays for judgment against
2 Defendants, and each of them as follows:

- 3 1. For all compensatory damages against Defendants in an amount to be
4 determined according to proof at trial;
- 5 2. For all reasonable attorneys fees;
- 6 3. For punitive damages to set an example and teach Defendant Officer
7 Ardizzone a lesson for engaging in said malicious and intentional conduct, and
- 8 4. For the costs of suit herein.
- 9 5. For such other and further relief as this Court may deem just and proper.

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12 Dated: March 26, 2008

Respectfully submitted,

LAW OFFICES OF IRA LESHIN

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15 By: 

Ira Leshin
Attorneys for Plaintiff,
KENNETH RAY LAW

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